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TAGS: [PREL](#) [PGOV](#) [PTER](#) [PHUM](#) [UK](#)
SUBJECT: HMG RAISES GUANTANAMO TRANSFEREES' ALLEGATIONS OF
MISTREATMENT WITH L

REF: LONDON 0029

Classified By: Political Minister Counselor Maura Connolly for reasons
1.4 (b,d)

¶1. (C/NF) Summary. FCO Legal Advisor Daniel Bethlehem raised February 22 with Legal Advisor John Bellinger, III HMG's concern over the USG response to HMG's earlier notification to the USG of allegations of mistreatment made by recent Guantanamo transferees. Bethlehem underscored that HMG would need to register USG responsiveness to the British letter of January 24 reporting the allegations to the USG (text of UK letter at para 6) should the matter be brought to the attention of Parliament. He added that the issue could have bearing on how HMG addresses future negotiations over disposition of a remaining UK-resident Guantanamo detainee. Bellinger pledged to examine the matter. End Summary.

¶2. (C) FCO Legal Advisor Daniel Bethlehem, FCO Counterterrorism Department Deputy Director Sophie Honey and FCO Diego Garcia lawyer Doug Wilson met February 22 in London with Legal Advisor John Bellinger, III and Poloff. Bethlehem and Honey raised HMG's concern over the USG response to HMG's report of allegations of mistreatment made by Guantanamo transferees to Honey during transport from Guantanamo to the UK in December, 2007 (ref). Bethlehem noted that FCO Director for Defence and Strategic Threats Simon Manley had sent a letter dated January 24, 2008 to S/WCI Ambassador Williamson reporting the allegations which include a claim that one of the detainees was blinded in one eye. A copy of the letter (at para 6) was given to Bellinger during the meeting. Bellinger said that "on the face of it, the allegations are serious," noting that it was also known that Al Qaeda detainees held in Guantanamo are often trained to make false allegations, but that a few cases of detainee mistreatment have been acknowledged by the USG.

¶3. (C) Honey, who had visited Washington earlier in the week of February 18, said she had been told by USG officials that there would not be a fresh DOD investigation into the allegations. She said she "did not wish to prejudge the fullness of the USG response," which is pending, but, together with Bethlehem, asked that the USG understand the necessity for HMG to be able to report a response from the USG.

Issue May Arise in Parliament and Courts

¶4. (C) Bethlehem said HMG may be compelled to report to Parliament on what it has done regarding the allegations and how the USG has responded. He explained that HMG itself may come under court scrutiny regarding its representations to the USG on behalf of the former detainees. Potential pressure from the courts was one of the reasons HMG had sought the return of the UK residents. Further uncertainty over whether HMG would be brought before the courts regarding HMG's activity (or lack thereof) on behalf of the former detainees meant the matter of the allegations could not be dismissed.

¶5. (C/NF) Bethlehem added that allegations of mistreatment by the transferees might also inform HMG's position on the disposition of a remaining UK-resident Guantanamo Bay detainee. It is expected, said Bethlehem, that the USG will seek to try this detainee through a military commission. What is not clear to HMG, said Bethlehem, is whether there are any means to appeal from that decision, based on claims of mistreatment. Bethlehem stressed that it was the means, or the ability to appeal (not the decision on any appeal) which might be of import to HMG. Bellinger said he understood the importance to HMG of the USG response to HMG's report of the allegations of mistreatment and said he would look into the matter.

Text of Letter

¶6. (SBU) Begin text of letter of January 24, 2008 and accompanying attachments.

24 January 2008

Clint Williamson
Ambassador at Large for War Crimes Issues
US Department of State
2201 C Street
NW Room 7319-A
Washington, DC 20520

As joint signatories to the Transfer Agreement, I would like to thank you for your cooperation in facilitating the arrangements for the transfer of Jamil El-Banna, Omar Deghayes, and Abdennour Sameur from the Guantanamo Bay detention facility to the United Kingdom. The transfer was handled professionally and smoothly and we are grateful to you and your colleagues at State and Defence for working so closely with us on this.

As you will already be aware from our Washington Embassy, on the flight back from Guantanamo, Mr. Deghayes and Mr. Sameur made allegations of mistreatment while in US custody. I enclose a note detailing this. As you will see, the allegations were put to UK officials in some detail and the issues raised are serious and include the allegation that Mr. Deghayes lost the sight in his right eye as a result of his treatment by US personnel during questionings. We are of course not in a position to assess the veracity of these allegations. However, my Ministers and I are of the view that they should be examined thoroughly.

I would therefore be grateful if you would draw these allegations to the attention of your colleagues, including in the Department of Defence, and ensure that they take the necessary actions. I would be grateful if you would inform me of the outcome of your examination in due course.

I am copying this letter to Sandy Hodgkinson and John Bellinger and to Kirsten Schulz in your Embassy in London and Neil Crompton in our Embassy in Washington.

Simon Manley
Director, Defence and Strategic Threats
Foreign and Commonwealth Office
King Charles Street
London

Omar Deghayes made the following allegations:

He said that he had lost the sight in his right eye further to mistreatment approximately 2-3 years ago at the detention facility. He alleged that he had been poked in both eyes by guards at the detention facility whilst handcuffed and shackled and whilst being questioned. He indicated that this had happened repeatedly over a period of around two weeks and said that one eye had recovered but the other had not. He said that he had had surgery in mid-childhood but had sight in both eyes prior to this incident. It was noted that the appearance of his right eye was markedly different than in the photographs of him prior to detention.

He alleged that he was initially denied medical treatment although this was provided subsequently but he did not recover the sight in his right eye.

He alleged that a number of other detainees had received this treatment and that some others had suffered damaged (sic) to their sight.

He claimed that his finger was broken (open fracture) during an altercation with a camp guard. He said that it was not treated straight away but that he subsequently received very good medical treatment.

He said that on numerous occasions during his time at Guantanamo he was subjected to forms of "sexual assault." He did not go into detail but indicated that this involved deliberate contact by the guards with his genitals during physical searches including whilst naked.

Abdenour Sameur made the following allegations:

He said that following his capture by US forces his leg wounds were not properly treated. He said that he was moved over a three month period from Bagram to Kandahar and then to Guantanamo. It was only after his arrival at the latter that his injuries were properly treated and started to heal.

He said that on a number of occasions during this period he was restrained on a stretcher (usually tied down) with guards applying pressure to his leg wounds. He said that he was subjected to forced anal searches by guards whilst this was happening and that this was recorded on video. He alleged that this happened immediately after his capture and initial detention at Bagram, again when he was transferred to Kandahar. He also alleged that this had happened again whilst he was at the Guantanamo Bay detention facility soon after he had been released from the medical centre.

End text of letter.

¶7. (U) Legal Advisor Bellinger has cleared this cable.